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Arizona Corporation Commission

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Attorneys for Mountain View Ranch Development Joint Venture, LLC

**BEFORE THE ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE**

IN THE MATTER OF THE APPLICATION
OF SOUTHLINE TRANSMISSION LLC, IN
CONFORMANCE WITH THE
REQUIREMENTS OF ARIZONA REVISED
STATUTES 40-360, ET SEQ., FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING
CONSTRUCTION OF NON-WAPA-
OWNED ARIZONA PORTIONS OF THE
SOUTHLINE TRANSMISSION PROJECT,
INCLUDING A NEW APPROXIMATELY
66-MILE 345KV TRANSMISSION LINE IN
COCHISE COUNTY FROM THE
ARIZONA-NEW MEXICO BORDER TO
THE PROPOSED SOUTHLINE APACHE
SUBSTATION, THE ASSOCIATED
FACILITIES TO CONNECT THE
SOUTHLINE APACHE SUBSTATION TO
THE ADJACENT AEP CO APACHE
SUBSTATION, AND APPROXIMATELY 5
MILES OF NEW 138-KV AND 230-KV
TRANSMISSION LINES AND
ASSOCIATED FACILITIES TO CONNECT
THE EXISTING PANTANO, VAIL,
DEMOSS PETRIE, AND TORTOLITA
SUBSTATIONS TO THE UPGRADED
WAPA-OWNED 230-KV APACHE-
TUCSON AND TUCSON-SAGUARO
TRANSMISSION LINES IN PIMA AND
PINAL COUNTIES.

Docket No. L-00000AAA-16-0370-00173

Case No. 173

**2ND SUPPLEMENTAL FILING BY
MOUNTAIN VIEW RANCH re:
CERTIFICATE CONDITIONS**

1 Mountain View Ranch Development Joint Venture, LLC ("Mountain View
2 Ranch"), by and through its counsel, and in response to requests from the Committee at
3 the hearing on December 5, 2016, submits the following three (3) requested "alternative
4 choice" conditions (numbered sequentially to prior submissions).¹

5 **Supplemental Condition Request #18**

6 Applicant shall use good faith efforts to secure WAPA's agreement to the
7 Conditions issued for this CEC, and to the following terms and conditions, for all
8 portions of the Upgrade Section of the Project (i.e., Apache to Tucson):

- 9 1. The ROW needs and specific ROW location and width affecting private
10 land shall be expeditiously determined and disclosed, and ROW agreements
11 expeditiously negotiated in good faith with the affected landowners.
- 12 2. Support structures shall be monopoles, with colors, height, and siting
13 selected, in consultation with landowners, to minimize visual impact to the
14 extent reasonable feasible. Lattice supports shall not be used in such
15 section.
- 16 3. New lines and infrastructure within the boundaries or viewshed of platted
17 residential subdivisions, shall replace the existing 115-kv transmission line
18 and structures currently in place, which shall be expeditiously removed and
19 remediated.
- 20 4. With respect to Mountain View Ranch and its viewshed, no lattice
21 structures shall be used; all reasonably feasible efforts will be made to limit
22 and locate any ROW expansion or alteration to the north of the existing
23 easement; and support structures shall be monopoles, with colors, height,
24 and siting selected, in consultation with landowners, to minimize visual
25 impact to the extent reasonable feasible.
- 26 5. The POD, PCEMs, and framework agreements adopted in the BLM ROD
shall be applied, with the CIC selected for the BLM lands employed and
empowered to enforce and implement such requirements in the same
fashion for private lands as set forth in the BLM ROD PCEMs.

¹ These conditions are submitted with the understanding that the Committee has declined to assert jurisdiction over WAPA or the portion of the line through MVR's property, or enter findings and compulsory conditions regarding the same. These requested conditions are premised on and subject to such limitations, and are submitted without withdrawal or waiver of MVR's previously requested conditions, or positions regarding jurisdiction.

1
2 **Supplemental Condition Request #19**

3 Applicant shall include a description of the above-referenced efforts in the annual
4 compliance-certification letter.

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6 **Supplemental Condition Request #20**

7 The Certificate Conditions shall be binding on affiliates, successors, assigns,
8 transferees, agents, contractors, and lessees of Applicant. Applicant shall provide
9 in any agreement(s) or leases pertaining to the Project that the contracting parties
10 and/or lessee(s) shall be responsible for compliance with the Conditions set forth
11 herein, and Applicant's responsibilities with respect to compliance with the such
12 Conditions shall not cease or be abated by reason of the fact the Applicant is not in
13 control of or responsible for operation and maintenance of the Project facilities.

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RESPECTFULLY SUBMITTED this 7th day of December, 2016.

JACKSON & ODEN, P.C.

By:


Todd Jackson
Attorneys for Mountain View Ranch
Development Joint Venture, LLC

20 COPY of the foregoing delivered by
21 U.S. Mail this 7th day of December, 2016, to:

22 Docket Control
23 Arizona Corporation Commission
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24 James Guy
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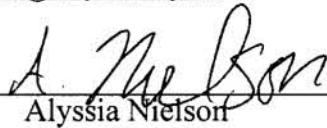
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